

REMARKS

Claims 1-6 and 8-10 are pending in this application. By this Amendment, claims 1-6, 8 and 9 are amended, as is the specification and Fig. 1. Claims 7 and 11, and Figs. 4-8, are canceled without prejudice to, or disclaimer of the subject matter recited in those claims, and the subject matter depicted in those figures. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Casler in the July 12, 2004, telephone interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks. Specifically, claim 1 is amended to comply with the Examiner's helpful suggestions made during the interview.

The Office Action, on page 2, objects to the drawings because they are alleged to be new matter. Although it is unclear which of the drawings, and/or individual features in any of the drawings, are alleged to be new matter, Applicants' representative discussed drawing corrections with Examiner Casler during the July 12 telephone interview. Applicants cancel Figs. 4-8 which were added by the January 6, 2004, Amendment.

Applicants respectfully submit that support for Figs. 2 and 3 is available at least at page 6, lines 8-25 of the specification, and in claim 4, as originally filed. Fig. 1 is amended to include multiple reference signs 11 indicating two of the three balls described at least at page 13, lines 3-11 and 25-29 of the specification, as originally filed. Further, reference signs 18 and 19 are added and the specification is amended to clarify the features "a retainer groove 19" and "radial perforations 18" described at least at page 13, lines 3-4 of the specification, as originally filed.

Withdrawal of the objection to the drawings, specifically Figs. 1-3, is respectfully requested.

The Office Action, on page 2, objects to allegedly new matter that was introduced into the disclosure by the Amendment filed on January 6, 2004. Applicants amend the specification to obviate the objection. Specifically, reference to Figs. 4-8 is removed. For the reasons enumerated above, Applicants respectfully submit that the descriptions of Figs. 2 and 3 which remain are supported by the specification and claims as originally filed. Accordingly, withdrawal of the objection to the specification is respectfully requested.

The Office Action, on pages 2 and 3, rejects claims 1 and 11 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

The cancellation of claim 11 renders moot the rejection of that claim. Claim 1 is amended to obviate the rejection. Specifically, recitation of "reversal of the cavity" is removed.

Accordingly, reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §112, first paragraph, are respectfully requested.

Applicants' representative discussed all of the details regarding the objections to the drawings and specification, as well as the rejection of claims 1 and 11 under 35 U.S.C. §112, first paragraph, with Examiner Casler during the July 12 telephone interview. Examiner Casler agreed with the approach that Applicants are taking in amending the drawings, the specification and claim 1 to overcome the above enumerated objections and rejection.

The Office Action, on page 3, rejects claims 1-8, 10 and 11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,802,430 to Schwebel et al. (hereinafter "Schwebel I"), U.S. Patent No. 4,089,334 to Schwebel et al. (hereinafter "Schwebel II"), U.S. Patent No. 4,124,024 to Schwebel et al. (hereinafter "Schwebel III"), and International Application No. WO 96/25190 to Bellhouse et al. (hereinafter "Bellhouse"). These rejections are respectfully traversed.

Each of the applied references, Schwebel I, Schwebel II, Schwebel III and Bellhouse, is directed generally to a needleless syringe. Applicants respectfully submit, however, that none of the applied references discloses a solid barrier, located entirely within the application guide, comprising an upstream face and a downstream face, said downstream face having at least one blind cavity in which the active principle is accommodated, the solid barrier remaining at least one of fixed within the syringe and trapped in the syringe without any possibility of being expelled, as is recited, among other features, in independent claim 1. As such, Applicants respectfully submit that claim 1 is not anticipated by any of the applied references. Further, claims 2-6, 8 and 10 are also not anticipated by the applied references for at least their dependence on independent claim 1, as well as the separately patentable subject matter which each of these claims recites.

Applicants' representative discussed the distinguishing features with Examiner Casler in the July 12 telephone interview. The Examiner agreed that language regarding the barrier being "entirely within the application guide" would distinguish the subject matter of claim 1 over the currently applied references.

For at least the reasons enumerated above, Applicants respectfully submit also that claims 1-6, 8 and 10 are not suggested by any of the applied references individually or when taken in combination.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-6, 8 and 10 under 35 U.S.C. §102(b) as being anticipated by any of the applied references are respectfully requested.

The Office Action, on pages 3 and 4, rejects claim 9 under 35 U.S.C. §103(a) as being unpatentable over Schwebel and Bellhouse. This rejection is respectfully traversed.

Applicants respectfully submit that, for at least its dependence on independent claim 1, claim 9 is neither anticipated nor suggested by the combination of the applied references.

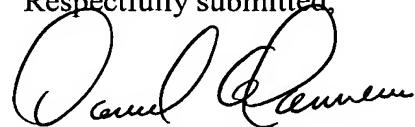
Accordingly, reconsideration and withdrawal of the rejection of claim 9 under 35 U.S.C. §103(a) as being unpatentable over the combination of the applied references are respectfully requested.

Applicants' representative discussed in detail, with Examiner Casler during the July 12 telephone interview, specific features which could be added to independent claim 1 in order to overcome the prior art rejection under 35 U.S.C. §§102(b) and 103(a) without introducing new matter. The above amendments to claim 1 are undertaken as a result of the discussion with the Examiner in the telephone interview.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-6 and 8-10 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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Attachments:

Replacement Drawing Sheets (Figs. 1-3)

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